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13 ASETEK DANMARK A/S and  
14 Counterdefendant ASETEK USA, INC.

15 **UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

16 ASETEK DANMARK A/S,  
17 Plaintiff and  
18 Counterdefendant,  
19  
ASETEK USA, INC.,  
20 Counterdefendant,  
21 v.  
22 COOLIT SYSTEMS, INC.,  
23 Defendant and  
24 Counterclaimant,  
25 COOLIT SYSTEMS USA INC., COOLIT  
SYSTEMS ASIA PACIFIC LIMITED,  
COOLIT SYSTEMS (SHENZHEN) CO.,  
LTD.,  
26 Defendants,  
CORSAIR GAMING, INC. and CORSAIR  
MEMORY, INC.,  
Defendants.

CASE NO. 3:19-cv-00410-EMC

**DECLARATION OF ARPITA  
BHATTACHARYYA IN SUPPORT OF  
ASETEK DANMARK A/S AND ASETEK  
USA, INC.’S OPPOSITION TO  
DEFENDANTS’ MOTION TO EXCLUDE  
CERTAIN OPINIONS OF DR. DAVID B.  
TUCKERMAN REGARDING INVALIDITY  
OF THE ASSERTED COOLIT PATENTS,  
NON-INFRINGEMENT OF THE  
ASSERTED COOLIT PATENTS, AND  
INFRINGEMENT OF THE ASSERTED  
ASETEK PATENTS**

Date: May 5, 2022  
Time: 1:30 PM  
Location: Courtroom 5, 17<sup>th</sup> Floor  
Judge: Hon. Edward M. Chen

1 I, Arpita Bhattacharyya, declare as follows:

2       1. I am an attorney licensed to practice before this Court and all courts of the State of  
3 California, and am a Partner with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel  
4 for Plaintiff and Counterdefendant Asetek Danmark A/S (“Asetek”) in the above-entitled action. I  
5 submit this declaration in support of Asetek’s Opposition to Defendants’ Motion to Exclude Certain  
6 Opinions of Dr. David B. Tuckerman regarding Invalidity of the Asserted CoolIT Patents, Non-  
7 Infringement of the Asserted CoolIT Patents, and Infringement of the Asserted Asetek Patents. The  
8 matters stated herein are based upon my personal knowledge, and if called as a witness, would  
9 testify as to the following statements.

## **IDENTIFICATION OF EXHIBITS**

1           2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of the  
2 December 20, 2021 deposition of Dr. David Tuckerman, Asetek's expert.

3       3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt of the March 18,  
4 2022 deposition of Dr. David Tuckerman, Asetek's expert.

5           4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of the  
6 December 22, 2021 deposition of Dr. David Tuckerman, Asetek's expert.

7 5. Attached hereto as **Exhibit D** is a true and correct copy of an excerpt of the January  
8 10, 2022 deposition of Dr. Himanshu Pokharna, CoolIT's expert.

9           6. Attached hereto as **Exhibit E** is a true and correct copy of Exhibit 196 to the  
20 deposition of André Eriksen, which is a copy of an Asetek press release dated October 30, 2012.

7. Attached hereto as **Exhibit F** is a true and correct copy of Exhibit 129 to the deposition of Kamal Mostafavi, a document produced by CoolIT and bearing Bates Numbers COOLIT0036274-COOLIT0036288 (submitted for filing under seal).

24       8.       Attached hereto as **Exhibit G** is a true and correct copy of an excerpt of the August  
25 19, 2021 deposition of Kamal Mostafavi, CoolIT's Rule 30(b)(6) designee (submitted for filing  
26 under seal).

27 9. Attached hereto as **Exhibit H** is a true and correct copy of an excerpt of the  
28 December 30, 2021 deposition of Dr. David Tuckerman, Asetek's expert.

## RELEVANT FACTS CITED IN ASETEK'S MOTION

10. Concerning the Antarctica prior art device, Defendants' expert used the same methodology, measuring the microchannels with calipers, except he measured at the top of the channels, whereas Dr. Tuckerman measured at the base. Defendants' counsel used its expert's measurements to cross-examine Dr. Tuckerman in two of Dr. Tuckerman's depositions, first on December 20, 2021 and again on March 18, 2022.

11. Dr. Tuckerman did not volunteer the opinion testimony that CoolIT is trying to exclude and it was not testimony solicited by Asetek's counsel on redirect. The testimony by Dr. Tuckerman was provided in response to questions by Defendants' counsel and it was directly responsive to those questions by Defendants' counsel.

12. Dr. Tuckerman was not involved in this case from the very beginning. Dr. Tuckerman got involved in this case only in early 2021 after Asetek's previous expert (Dr. Donald Tilton) had to bow out of the Asetek cases because he took a full-time job in the U.S. military base in Guam that kept him very busy and unavailable to consult in this case. Asetek's invalidity contentions (which identify Asetek's prior art references and obviousness combinations for this case) had already been submitted back in 2019, and it is understandable that Dr. Tuckerman was not involved in selecting the initial list of prior art references included in those contentions.

13. When Dr. Tuckerman submitted his Reports in this case and sat for his depositions, he had only assisted Asetek with one brief IPR declaration and he had never worked as an expert in any other IPR proceeding before. Dr. Tuckerman had not worked as an expert witness previously.

14. During the depositions of Dr. Tuckerman, Defendants' counsel asked vague, incomplete, and/or improper questions and often denied Dr. Tuckerman the opportunity to review his Reports or certain exhibits. Many of the examples identified in Defendants' motion suffer from these issues.

15. For the Cooler Master product, Dr. Tuckerman is relying on Defendants' competitive analysis that shows that the competing Cooler Master product has a non-split flow design, i.e., a non-infringing design around. Dr. Tuckerman also relied on representation from Asetek's counsel, who personally inspected the Cooler Master product, that it does not have split flow.

1       16. There is no misalignment in the definitions of “radial blade” provided by Drs.  
2 Tuckerman and Stein. The two experts used different coordinate systems to define the same term—  
3 Dr. Tuckerman used a cartesian coordinate system (x, y, z) and Dr. Stein used a cylindrical  
4 coordinate system (r,  $\theta$ , z).

5  
6       I declare under penalty of perjury under the laws of the United States for the forgoing is true  
7 and correct. Executed this 14th day of April 2022, at Palo Alto, California

8  
9       By: /s/ Arpita Bhattacharyya  
10       Arpita Bhattacharyya  
11       *Attorneys for Plaintiff and Counterdefendant*  
12       *ASETEK DANMARK A/S and*  
13       *Counterdefendant ASETek USA, INC.*